

EXECUTIVE SUMMARY

INTRODUCTION

This executive summary provides highlights of the ninth meeting of the National Environmental Justice Advisory Council (NEJAC), held May 13 through 15, 1997 at the Indian Springs Lodge and Conference Center on the Potawatomi Indian Reservation near Wabeno, Wisconsin. The Executive Council of the NEJAC met on May 13 and 15, 1997. Each of the six NEJAC subcommittees met for a full day on May 14, 1997. In addition, on May 13, members of the NEJAC participated in a site tour of the Menominee and Potawatomi Indian reservations. The NEJAC also hosted public comment periods on May 13 and 15, 1997. Approximately 160 persons attended the meetings and public comment sessions.

The NEJAC is a federal advisory committee that was established by charter on September 30, 1993 to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. Mr. Richard Moore, Southwest Network for Environmental and Economic Justice, serves as the chair of the Executive Council. Ms. Clarice Gaylord, Director of EPA Office of Environmental Justice (OEJ), serves as the Designated Federal Official (DFO) for the Executive Council. Exhibit ES-1 lists the persons who chair the six subcommittees of the NEJAC and the EPA staff appointed to serve as DFOs for the subcommittees as well as the chair and DFO for the Executive Council.

To date, NEJAC has held nine meetings. EPA OEJ maintains public transcripts and summary reports of the proceedings of the meetings. Those documents are available to the public upon request. The public also can access the executive summaries of reports of previous meetings through the Internet at <http://www.ttemi.com/nejac>.

OVERVIEW

The meeting of the Executive Council of the NEJAC opened with a presentation of the colors by representatives of local tribes, accompanied by ceremonial drumming and singing. Exhibit ES-2 presents a photograph of the ceremonial

Exhibit ES-1

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL CHAIRS AND DESIGNATED FEDERAL OFFICIALS (DFOs)

Executive Council:

Mr. Richard Moore, **Chair**
Ms. Clarice Gaylord, **DFO**

Enforcement Subcommittee:

Ms. Deohn Ferris, **Chair**
Ms. Sherry Milan, **DFO**

Health and Research Subcommittee:

Ms. Mary English, **Chair**
Ms. Carol Christensen, **co-DFO**
Mr. Lawrence Martin, **co-DFO**

Indigenous Peoples Subcommittee:

Mr. James Hill, **Chair**
Ms. Elizabeth Bell, **DFO**

International Subcommittee:

Mr. Baldemar Velasquez, **Chair**
Ms. Doña Canales, **DFO**

Public Participation and Accountability Subcommittee:

Ms. Peggy Saika, **Chair**
Mr. Robert Knox, **DFO**

Waste and Facility Siting Subcommittee:

Mr. Charles Lee, **Chair**
Mr. Kent Benjamin, **DFO**

drumming. In an opening statement that followed, Mr. Gus Frank, Vice President of the Potawatomi Indian Tribe, remarked that the "presumed" government-to-government relationship between states and tribes is threatened by a lack of understanding on the part of the states of both tribal needs and the concept of tribal sovereignty. Apesanahkwat, Chair of the Menominee Tribe, echoed Mr. Frank's sentiments about the "presumed" government-to-government relationships between tribes and states and expressed hope that the meeting would be a learning experience for all those who have a



Exhibit ES-2: Members of the Potawatomi and Menominee tribes participate in a drumming session.

stake in the relations among states, EPA, and tribes. Mr. Billy Daniels, Tribal Elder of the Potawatomi Indian Tribe, offered a prayer in the language of the Potawatomi. In that prayer, he requested strength and health for the people, so that all people can work together for the good of Mother Earth.

Mr. Moore also expressed hope that the meeting would be a very productive one. He reminded the participants that, if it were not for environmental injustices, there would be no need for the NEJAC. Unfortunately, this is not an easy task that has brought participants together, because it involves illness and death, he said. Mr. Moore reminded the members of the NEJAC that the meeting represented an opportunity to focus on issues of concerns to indigenous peoples. The intent of the meeting, he explained, was not only to gain a better understanding of what it means to live in a "nation within a nation" but also to fulfill the responsibility associated with a heightened understanding of the issues.

Mr. Steven Herman, Assistant Administrator, EPA Office of Enforcement and Compliance Assurance (OECA), emphasized the commitment of the EPA Administrator to ensuring environmental justice. Exhibit ES-3 presents a letter from the EPA Administrator to the members of the NEJAC and the meeting participants. He explained that the agency's approach to environmental justice has four components: data collection and risk assessment, community education and empowerment, cooperation with stakeholders, and enforcement. Mr. Herman expressed satisfaction with EPA's programs to date and noted that many of the efforts would not have occurred had it not been for the NEJAC. He hailed the NEJAC as an instrument for increasing awareness and understanding of environmental justice issues at EPA and fostering the application of the principles of environmental justice in all of EPA's regulatory decisions. Mr. Herman stated, however, that, despite the progress made, it remains clear that much work lies ahead, not only

Exhibit ES-3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 13, 1997

THE ADMINISTRATOR

Dear Council Members and Meeting Participants,

Welcome to the ninth meeting of the National Environmental Justice Advisory Council (NEJAC), and its first meeting in Indian Country. I would like to extend my gratitude to Richard Moore for his continued leadership as our Council Chair, the NEJAC Site Tour Steering Committee, and the Potawatomi Tribe, Menominee Tribe, and Sokagons Chippewa Tribe for their support in organizing this landmark event. I would also like to thank Steve Herman, Clarice Gaylord, and other EPA staff for their hard work in planning this meeting.

I am pleased to see the progress that the Council has made in increasing awareness and understanding of environmental justice issues at EPA. In May 1994, when the Council was first established, my goal was to seek broad stakeholder input to ensure that consideration of environmental justice is a part of everything we do. Over the past three years, the Council has assisted EPA in its efforts to make environmental justice a guiding principle: improving EPA's outreach and education in all communities, providing opportunities for community participation in decision-making, and partnering with affected communities that are working on local solutions to environmental problems. EPA staff have also made environmental justice an integral component of major EPA initiatives, such as brownfields, community-based environmental protection, and children's health protection.

Through our environmental justice activities, EPA has come to recognize that the definition of "environment" includes where we work, where we live, and where we play, and that environmental concerns can be influenced by social, cultural, and spiritual perspectives. This first NEJAC meeting in Indian Country will raise awareness of the environmental problems facing many Indigenous communities and how these problems broadly affect their ability to maintain healthy environments and unique social, cultural, and spiritual traditions.

I look forward to continuing our work together as we take the necessary steps to achieve public health and environmental protection in every community. Best wishes for a successful meeting.

Sincerely,

A handwritten signature in cursive script, reading "Carol M. Browner".
Carol M. Browner

for EPA but also for the NEJAC. He suggested that the current meeting be viewed as an opportunity for the members to rededicate themselves to the cause of environmental justice.

Ms. Michelle Jordan, Deputy Regional Administrator, EPA Region 5, echoed Mr. Herman's comments about the commitment of the EPA Administrator to environmental justice. She stated that EPA Region 5 is responsible for coordinating environmental justice efforts among tribal, state, and local governments, in accordance with federal guidelines. She then stressed the importance of partnerships in addressing environmental justice issues. Ms. Jordan concluded her remarks by expressing a desire to continue working with the NEJAC and other stakeholders on environmental justice issues.

The NEJAC hosted public comment periods on May 13 and 15, 1997. More than 20 people participated in the two public comment periods. In addition, five individuals and organizations submitted testimony that were read into the record. Issues discussed during the two public comment periods included concerns about EPA's policy on Supplemental Environmental Projects (SEP), identification of several environmental justice cases related to indigenous peoples, identification of environmental justice cases related to the siting of facilities in Louisiana, and environmental justice issues related to EPA's proposed Cluster Rule on paper and pulp mills.

The Executive Council also heard presentations made by representatives of the state of California on issues related to the siting of a low-level radioactive waste facility near the Ward Valley basin in southern California; EPA's American Indian Environmental Office; and EPA's Tribal Operations Committee (TOC).

ISSUES OF CONCERN TO INDIGENOUS PEOPLES

The members of the Executive Council heard a panel discussion on issues of concern to indigenous peoples. The facilitator for the panel discussion commented that consideration of indigenous peoples' issues entails a certain amount of tension and that such discussions are rather complex because indigenous peoples face political and legal barriers, in addition to the racial

and economic factors associated with environmental justice issues. Specific concerns raised by the members of the panel included:

- Improving the government-to-government relationship between tribal governments and the civil authorities of the United States, as well as that between state governments and tribes
- Assisting tribes in developing an environmental regulatory process
- Revising the environmental impact statement (EIS) process under the National Environmental Policy Act (NEPA) to consider unique cultures and address the concerns of indigenous peoples
- Clarify the definition of the trust responsibility incumbent upon the U.S. government in its relationship with indigenous peoples

Members of the panel expressed frustration about the government-to-government relationships between state governments and tribal governments. They revealed that most state processes do not require the involvement of tribes, thereby forcing tribes to rely heavily on states to voluntarily respect the government-to-government relationship. In addition, members of the panel explained that it is important that tribes retain their status as semidomestic dependent nations possessed of all the attributes of sovereignty, with the exception of those attributes Congress explicitly has taken away.

Members of the panel agreed that tribes need assistance in developing an environmental regulatory process. The members also agreed that tribal environmental standards should be compatible with state and federal environmental standards. It was explained that tribes are striving to build an environmental infrastructure and expertise; however, because of a lack of funding, many tribes find it difficult to achieve that goal. Members of the panel stated that only when an environmental infrastructure has been developed can a tribe develop an environmental policy that reflects the cultural values of the tribe.

Members of the panel also stressed that it is important that the U.S. government issue guidelines for incorporating into the NEPA

process considerations of environmental justice related to the concerns of indigenous peoples. Many problems that arise when the cultural and spiritual concerns of indigenous peoples are not considered in the preparation of EISs could be avoided or mitigated, they commented. The Crandon Mine proposed by the Exxon Corporation in Crandon, Wisconsin was presented to the NEJAC to illustrate this concern.

Members of the panel explained that many Native Americans do not understand fully what the trust responsibility is. The panelists agreed that federal agencies should consider the effects of its proposed actions on tribes and fulfill the obligation to mitigate the effects on tribes, an obligation that includes conduct of meaningful consultation with tribes on a government-to-government basis.

COMMON THEMES

During the meetings of the Executive Council and the subcommittees, the members of the NEJAC discussed a wide range of issues related to environmental justice. Specific concerns raised about non-indigenous issues included:

- Improving the participation of the EPA regional administrator and staff of the EPA regional office where the NEJAC meeting is held
- Maintaining consistency and institutional knowledge despite the turnover and succession of members of the NEJAC
- Improving the response by EPA Region 6 staff to issues related to environmental justice

Members of the NEJAC expressed concern about the lack of participation by EPA regional administrators and staff during meetings of the NEJAC. In general, members expressed frustration that questions raised during public comment periods often go unanswered because no one with authority from the EPA regional offices is in attendance to answer questions or to discuss issues presented during the public comment periods. Members of the NEJAC however, commented on the "good" representation of EPA Headquarters staff and regional environmental justice coordinators at the NEJAC meetings.

Members of the NEJAC expressed concern about the turnover of and succession among members of the NEJAC, including their concern that the term of the chair of the Executive Council had expired and that the director of OEJ soon would be leaving her position. Members stressed the need to maintain continuity, noting that institutional knowledge must be preserved from meeting to meeting. Members of the Executive Council agreed that retiring members can continue to play a role in supporting the efforts of the NEJAC, particularly in terms of maintaining institutional knowledge and continuing to advance the work of federal agencies in the area of environmental justice. The members also agreed to provide recommendations to the EPA Administrator about criteria for the selection of a new director for OEJ.

Members of the NEJAC also expressed concern that, during every public comment period that the NEJAC had held, testimony had been presented about environmental justice issues in EPA Region 6. Members acknowledged that EPA Region 6 has made much progress in addressing community concerns; however, the members recommended that a meeting be held with the administrator of EPA Region 6 to discuss the regional office's lack of commitment to environmental justice. Members suggested that representatives of grassroots organizations and members of the Executive Council meet with the staff of EPA Region 6 to discuss such concerns. Members of the NEJAC also noted that staff of EPA Region 6 other than environmental justice staff also should be included in the meeting.

SUMMARIES OF THE SUBCOMMITTEE MEETINGS

Summarized below are the deliberations of the members during the meetings of the six subcommittees of the NEJAC.

Enforcement Subcommittee

The Enforcement Subcommittee discussed the activities of its work groups and reviewed selected action items and resolutions. The subcommittee conducted a joint session with the Indigenous Peoples Subcommittee, during which issues related to tribal enforcement capacity, tribal sovereignty, and enforcement of environmental regulations on tribal lands were discussed.

The status of each work group was reported as follows:

- The Worker Protection Work Group would like the NEJAC to focus more attention on worker protection issues. The work group drafted two resolutions that address the training of farm workers. The subcommittee approved both resolutions for consideration by the Executive Council of the NEJAC.
- The Work Group on the Policy on SEPs reported on a draft memorandum to EPA prepared by a member of the work group that suggests revisions to the proposed policy to increase its effectiveness. The work group presented a resolution about SEPs that the subcommittee approved and forwarded to the Executive Council for consideration.
- The Work Group on the Open Market Trading of Air Emissions Credits presented a resolution about environmental justice issues related to the trading of air emissions credits that the subcommittee approved. The members also discussed the timeliness of responses to resolutions submitted by the subcommittee and a proposed resolution addressing the effects of spatial averaging of air pollution levels on neighborhoods affected by environmental justice issues.

The members of the subcommittee heard reports on the following issues: the indoor use of the agricultural pesticide methyl parathion, the Federal Facilities Environmental Justice Initiative, the proposed uranium enrichment facility of the Louisiana Energy Services, and past and future enforcement roundtable meetings. The subcommittee also received comment from members of the public on environmental justice issues affecting the Louisiana communities of St. James Parish and Mossville.

The subcommittee forwarded several resolutions to the Executive Council for approval. The resolutions addressed issues related to SEPs, pesticide use, farm worker protection activities, EPA's CUP grant program, the trading of air pollution credits, and the environmental justice issues related to a polyvinyl chloride facility proposed by the Shintech Corporation for construction in St. James Parish, Louisiana.

Health and Research Subcommittee

The members of the Health and Research Subcommittee spent much of their time discussing future goals of the subcommittee. To better focus their efforts, the members agreed to concentrate on the following areas: pursue projects based on measurable objectives; ensure that projects have themes in common with those developed by EPA; identify areas that other subcommittees of the NEJAC should address; and host joint activities with other subcommittees of the NEJAC. The members also discussed concentrating their efforts on issues related to lead poison and air pollution.

The members of the subcommittee reviewed resolutions, selected action items, and several topics that had been identified during the December 1996 meeting. The topics discussed included EPA's toxics agenda, recent children's health initiatives, and community-based risk assessment tools. The members agreed upon several recommendations about how EPA should address the issues.

The subcommittee heard presentations and reports on lead mining in Tar Creek, Oklahoma; uranium mining on the lands of the Navajo Nation; and the National Research Conference on Pediatric Environmental Health. During the public dialogue portion of the subcommittee meeting, the members heard a presentation by EPA staff on the agency's position on targeted lead screening for children.

The members of the subcommittee forwarded to the Executive Council several resolutions addressing lead screening, children's health initiatives, and coordinated efforts between EPA and the National Institute of Environmental Health Science (NIEHS).

Indigenous Peoples Subcommittee

The deliberations of the Indigenous Peoples Subcommittee focused on a number of environmental justice cases related to indigenous peoples. The members of the subcommittee also reviewed selected action items and resolutions and the draft mission statement for the subcommittee. In addition, the subcommittee met jointly with the Enforcement Subcommittee to discuss issues related to tribal enforcement

capacity, tribal sovereignty, and enforcement of environmental regulations on tribal land.

The environmental justice cases discussed by the subcommittee were:

- The opposition of the Fort Mojave Indian Tribe to the construction of a low-level radioactive waste facility proposed by the state of California for the Ward Valley Basin
- The opposition of the Five Sandoval Indian Pueblos to the proposed construction of commuter highways through the Petroglyph National Monument in Albuquerque, New Mexico
- The opposition of the Mattaponi Indian Tribe to the construction of a water pumping station and reservoir in Virginia
- The concerns of the St. Regis Mohawk Indian Tribe about the General Motors/Messina Superfund site located on the St. Lawrence River in New York
- The opposition of the Bad River Band of Lake Superior Chippewa to a proposed solution mining project in White Pine, Michigan
- The concerns of the Oneida Nation of Wisconsin about the options being considered under the proposed Cluster Rule for pulp and paper mills

The subcommittee forwarded to the Executive Council resolutions addressing the proposed Cluster Rule for pulp and paper mills, the treatment of tribes as states with respect to Resource Conservation and Recovery Act (RCRA), and the involvement of indigenous communities in the decision-making phase of activities that may have significant cultural or environmental impacts on those communities.

International Subcommittee

The International Subcommittee began its deliberations with a discussion of ways to ease the transition between retiring and newly appointed members of the subcommittee and the NEJAC. The members heard an update from the

South Africa Working Group and reviewed selected action items identified and resolutions recommended during the December 1996 meeting. Discussion of several resolutions and action items was deferred until the next meeting of the subcommittee because several members of the subcommittee were absent. The members present also were provided an update on the activities of the Worker Protection Work Group of the Enforcement Subcommittee.

The subcommittee focused its discussion on issues related to international activities and worker protection. The members discussed enforcement of Executive Order 12898 on environmental justice by the Department of Labor and noncompliance with the order by other federal agencies.

The subcommittee discussed the communication issues that had occurred between the South Africa Working Group and EPA's Office of International Activities (OIA). The members agreed that communications between the subcommittee and OIA should be improved. An update on the status of the nomination of candidates to the South Africa Working Group also was provided.

The subcommittee forwarded to the Executive Council a resolution regarding the involvement of the South Africa Working Group in EPA's South African Initiative.

Public Participation and Accountability Subcommittee

The Public Participation and Accountability Subcommittee reviewed selected action items from earlier public comment periods of the NEJAC and subcommittee meetings, as well as minutes from the April 1997 meeting of the subcommittee. The subcommittee also discussed several administrative issues related to the role of the subcommittee, turnover and succession of members of the NEJAC, procedures for public comment periods of the NEJAC, the need for publications in English and Spanish, the possibility of holding a future meeting of the NEJAC in Puerto Rico, and plans for the next meeting of the subcommittee.

Much of the deliberations of the subcommittee focused on ways to improve public participation. Topics discussed included the planning process for site tours, participation of EPA regional administrators and regional staff at meetings of the NEJAC, and development of a process for public participation in decision making by EPA.

The subcommittee discussed several action items and agreed to take further action on several issues, including preparation of a check list for planning site tours and development of a process for inviting EPA regional staff to meetings of the NEJAC. The members agreed to develop recommendations that all EPA documents be translated into Spanish and that a Spanish-speaking staff member be identified to respond to inquiries received in Spanish.

Waste and Facility Siting Subcommittee

The Waste and Facility Siting Subcommittee heard presentations and status reports on the following issues:

- Activities of EPA's Office of Solid Waste and Emergency Response (OSWER) related to tribes
- Proposed Exxon mine in Crandon, Wisconsin
- Proposed solution mining at the Copper Range mine in White Pine, Michigan
- General Motors/Messina Superfund site located on the St. Lawrence River in New York
- Proposed community involvement protocol under development by the American Society of Testing and Materials
- Superfund sites in Puerto Rico
- Community-based environmental protection activities in EPA Region 5
- Polyvinylchloride complex proposed by Shintech Corporation for construction in St. James Parish, Louisiana

- OSWER's guidance on facility siting
- Brownfields National Partnership

The subcommittee also discussed issues originally brought before the subcommittee during its December 1996 meeting. Topics discussed include the Minority Worker Training Program of NIEHS, the role and development of community impact statements, and the status of EPA's Superfund relocation policy.

The subcommittee forwarded to the Executive Council two resolutions related to the proposed Crandon mine and EPA's Community-Based Environmental Protection Initiative.

NEXT MEETING

The next meeting of the NEJAC is tentatively scheduled to be held December 9 through 11, 1997. Planned activities will include a site tour of the local community and two opportunities for the public to offer comment.

SUMMARY OF RESOLUTIONS

This section summarizes the resolutions discussed by the subcommittees and were approved by the Executive Council of the NEJAC.

Resolutions from the Enforcement Subcommittee

This section presents a summary of the resolutions forwarded by the Enforcement Subcommittee and approved by the Executive Council of the NEJAC.

The members of the Enforcement Subcommittee discussed a resolution in which the subcommittee recommended that the NEJAC advise EPA to modify its draft SEP policy to include affirmative endorsements of the maximum use of SEPs to promote environmental justice objectives, such as, integrating public participation models; stating that community organizations may serve as contractors or consultants of the defendants; and striving to create means to involve the community organizations at every stage of the enforcement

process. This resolution was approved by the Executive Council of the NEJAC.

The members of the Enforcement Subcommittee discussed a resolution in which the subcommittee recommended that the NEJAC advise EPA to develop a matrix of pesticides based on toxicity, occupational exposure history, occurrence in groundwater, and commonality of food residues, which will be used by EPA to focus multi-media enforcement actions, targeting production, application, export, and disposal of pesticides. This resolution was approved by the Executive Council of the NEJAC.

The members of the Enforcement Subcommittee discussed a resolution in which the subcommittee recommended that the NEJAC advise EPA to focus farmworker protection enforcement efforts in one or two states, such as North Carolina and Texas and that EPA should implement a licensing procedure for trainers under the Worker Protection Standard; results of this training program should be evaluated during pilot studies. This resolution was approved by the Executive Council of the NEJAC.

The members of the Enforcement Subcommittee discussed a resolution in which the subcommittee recommended that the NEJAC advise EPA to actively monitor and participate in Community-University Partnership (CUP) grant awards to ensure that community-based organizations are accurately represented in proposals, and are active participants in the CUP grant process. This resolution was approved by the Executive Council of the NEJAC.

Resolutions from the Indigenous Peoples Subcommittee

This section presents a summary of the resolutions forwarded by the Indigenous Peoples Subcommittee and approved by the Executive Council of the NEJAC.

The members of the Indigenous Peoples Subcommittee discussed a resolution in which the subcommittee requests that EPA support, in the proposed Cluster Rule for pulp and paper mills, an additional option that uses a chlorine-free

bleaching process and advises the EPA Administrator to respect the EPA policy on environmental justice by refraining from making a decision on the Cluster Rule until EPA has completed an environmental justice analysis. The resolution was approved by the Executive Council of the NEJAC.

The members of the Indigenous Peoples Subcommittee discussed a resolution in which the subcommittee requests that EPA's Office of Solid Waste and Emergency Response (OSWER) treat Indian tribes in substantially the same way states are treated with respect to all provisions of RCRA, implement policy under which tribes receive early notification of the development of policies and initiatives related to tribes, and reestablish a commitment to the national memorandum of agreement. The resolution was approved by the Executive Council of the NEJAC.

The members of the Indigenous Peoples Subcommittee discussed a resolution in which the subcommittee recommends that the NEJAC request that:

- EPA adopt procedures that ensure that indigenous communities are involved in all phases of decision making when activities affect or might affect areas of cultural significance to such communities
- The EPA Administrator request a meeting among appropriate leaders of the executive branch and the five Colorado River Tribes to discuss the tribes' concerns about the siting of a low-level radioactive waste disposal facility in Ward Valley, California
- EPA conduct an environmental justice analysis of the decision to site the facility in Ward Valley
- EPA develop guidance for states related to environmental justice concerns of Indigenous communities

The resolution was approved by the Executive Council of the NEJAC.

Resolutions from the International Subcommittee

This section presents a summary of the resolutions forwarded by the International Subcommittee and approved by the Executive Council of the NEJAC.

The members of the International Subcommittee revised a resolution through which the subcommittee recommended that the NEJAC urge and advise the EPA Administrator to recommend, encourage, and facilitate OIA's consultation with the International Subcommittee's South Africa Working Group on all programmatic issues associated with the South African Initiative, including the implementation of the South African Grants Program. That resolution was approved by the Executive Council of the NEJAC.

The members of the International Subcommittee also forwarded a request to the Executive Council of the NEJAC to establish a formal work group on issues related to South Africa. The request was approved by the Executive Council.

Resolutions from the Waste and Facility Siting Subcommittee

This section presents a summary of the resolutions forwarded by the Waste and Facility Siting Subcommittee and approved by the Executive Council of the NEJAC.

The members of the Waste and Facility Siting Subcommittee discussed a resolution that requested that EPA analyze the potential environmental justice and cultural effects of the proposed Crandon mine to be operated by the Exxon Corporation on land adjacent to the tribal lands of the Forest County Potawatomi, the Mole Lake Chippewa, and the Menominee Indian tribes, as well as review the EIS prepared for the proposed mine. The resolution was approved by the Executive Council of the NEJAC.

The members of the Waste and Facility Siting Subcommittee discussed a resolution that requested that EPA define the term "community" within the context of the CBEP initiative, develop a mechanism for evaluating CBEP activities to ensure their conformance with the Government Performance and Results Act, establish a community ombudsman office to address community complaints, provide technical assistance to community-based organizations, and establish a clearinghouse for dissemination of information to communities. The resolution was approved by the Executive Council of the NEJAC.

The members of the Waste and Facility Siting Subcommittee discussed a resolution that requested that EPA support the development of pilot CISs; disseminate the results of testing of the pilots; and, if the pilots prove effective, consider ways to fund CISs in all communities facing environmental injustices. This resolution was approved by the Executive Council of the NEJAC.